PSF No: 10HD-091

Hawaii

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES Land Division Honolulu, Hawaii 96813

July 8, 2010

Board of Land and Natural Resources State of Hawaii Honolulu, Hawaii

Amend Prior Board Action of July 11, 2008, Item E-2, as amended, Grant of Perpetual, Non-Exclusive Easement to Department of Transportation, Airports Division, for Remote Noise Monitoring Station Purposes at the Wailoa River State Recreation Area, South Hilo, Hawaii, Tax Map Key: 3rd/2-2-13:03.

BACKGROUND:

At its meeting of July 11, 2008, Item E-2, the Board of Land and Natural Resources approved, as amended, the request of Applicant Department of Transportation, Airports Division (DOTA) for a an easement over a portion of the above-referenced State lands to install and maintain a remote station to monitor noise associated with air traffic to and from the Hilo International Airport. See Exhibit 1 attached. The request was submitted through the Division of State Parks. In May 2010, State Parks asked the Hawaii District Land Office (HDLO) staff to assist in finalizing the easement.

REMARKS:

The approved Board action of July 11, 2008, Item E-2, required DOTA to pay the appraised market value of the easement. An appraisal has not yet been conducted. State Parks has advised HDLO staff that State Parks now desires to grant the easement on a gratis basis. This development requires amendments to the following provisions of the prior action:

CONSIDERATION: [p. 2 of Exhibit 1]

One-time payment to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

Station, TMK (3) 2-2-13:03

ANNUAL RENT: [p. 2 of Exhibit 1]

One-time payment to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

APPLICANT REQUIREMENTS: [p. 3 of Exhibit 1]

The Applicant shall be required to:

- 1) Pay for an appraisal to determine one time payment and pay the consideration;
- Provide survey maps and descriptions according the State DAGS standards and at Applicant's own cost.

With respect to the survey requirement, DOTA had one conducted and a copy of the resulting map is attached as Exhibit 2. The dimensions of the surveyed easement are $6' \times 20'$ and not $10' \times 10'$ as contemplated at page 1 of the prior Board action:

AREA: [p. 1 of Exhibit 1]

10.0' x 10.0', more or less. Survey to be conducted by Applicant, same subject to review and verification by the Survey Division, Department of Accounting and General Services.

Staff has consulted with State Parks who has no objection to the easement area as surveyed.

In light of the foregoing, staff is recommending amendments to the prior Board action as indicated below.

RECOMMENDATION: That the Board:

- 1. Amend its prior Board action of July 11, 2008, under agenda item E-2, as amended, by:
 - a. Replacing the Area provision at page 1 of the submittal with the following:

AREA:

6.0' x 20.0', more or less. Survey to be conducted by Applicant, same subject to review and verification by the Survey Division, Department of Accounting and General Services.

Remote noise monitoring Station, TMK (3) 2-2-13:03

b. Replacing the Consideration provision at page 2 of the submittal with the following:

CONSIDERATION:

Gratis.

c. Replacing the Annual Rent provision at page 2 of the submittal with the following:

ANNUAL RENT:

Not applicable.

d. Replacing the Applicant Requirements provision at page 3 of the submittal with the following:

APPLICANT REQUIREMENTS:

- 1) Provide survey maps and descriptions according the State DAGS standards and at Applicant's own cost.
- 2. All other terms and conditions listed in its July 11, 2008 approval to remain the same.

Respectfully Submitted,

Kevin E. Moore

District Land Agent

APPROVED FOR SUBMITTAL:

Laura H. Thielen Chairperson

STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES Honolulu, Hawaii 96813

July 11, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

HAWAII

Grant of Perpetual, Non-Exclusive Easement to the Department of Transportation, Airports Division, for a Remote Noise Monitoring Station Purposes at the Wailoa River State Recreation Area, South Hilo, Hawaii Tax Map Key: 3rd/2-2-13:03

APPLICANT:

DEPARTMENT OF TRANSPORTATION, AIRPORTS DIVISION 400 Rodgers Boulevard, Suite 700 Honolulu, Hawaii 96819-1880

LEGAL REFERENCE:

Section 171-11, Section 171-13, Section 171-95, Hawaii Revised Statutes, as amended.

LOCATION:

Portions of the lands of Waiakea, South Hilo, Hawaii, Land Office Deed No. 24599 from the Hawaii Redevelopment Agency (Kaiko'o Project). (Exhibit B)

AREA:

10.0' x 10.0', more or less. Survey to be conducted by the Applicant, same subject to review and verification by the Survey Division, Department of Accounting and General Services.

ZONING:

State Land Use District: County of Hawaii CZO:	<u>Urban</u> Open	
as assented		
Approved by the Board of Land and that und Resources		

JTEM E-2

EXHIBIT 1

en its meeting held on 1/11/08 Bulecommendation 43)

BLNR – Department of Transportation, Page 2
Airports Division
Wailoa River State Recreation Area, South Hilo, Hawaii

TRUST LAND STATUS:

Section 5(X) lands of the Hawaii Admission Act DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES _ NOX

CURRENT USE STATUS:

Encumbered under Governor's Executive Order No. 2921 to the Department of Land and Natural Resources, Division of State Parks for State Park Purposes.

CHARACTER OF USE:

For Remote Noise Monitoring Station Purposes. Right, privilege and authority to construct, use, maintain, repair, replace and remove one (1) Remote Noise Monitoring Station over, under and across State-owned land.

COMMENCEMENT DATE:

To be determined by the Chairperson.

CONSIDERATION:

One-time payment to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

ANNUAL RENT:

One-time payment to be determined by independent or staff appraiser, subject to review and approval by the Chairperson.

RENTAL REOPENINGS:

Not applicable.

CHAPTER 343-ENVIRONMENTAL IMPACT STATEMENTS:

The Applicant is responsible for compliance with Chapter 343, Hawaii Revised Statutes, as amended, <u>Environmental Impact Statements</u>. Construction will not be allowed until proof of compliance is submitted.

BLNR – Department of Transportation, Page 3
Airports Division
Wailoa River State Recreation Area, South Hilo, Hawaii

DCCA VERIFICATION:

Not applicable. The Applicant is a State department.

APPLICANT REQUIREMENTS:

The Applicant shall be required to:

- 1) Pay for an appraisal to determine one time payment and pay the consideration;
- 2) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost.

REMARKS:

The Department of Transportation, Airports Division (DOTA), has requested permission to install, operate and maintain a Remove Noise Monitoring Station (RNMS) as part of a Noise Monitoring System for Hilo International Airport (Exhibit A). The RNMS shall consist of a digital microphone on a 20 foot tall, square aluminum folding mast with a small electronic enclosure with electrical and telephone service to store and transmit data.

The draft submittal was sent to various government agencies for their review and comment. Their responses are as follows:

- County of Hawaii, Planning Department (Exhibit C)

 "...the applicant (DOT-A) is required to submit an SMA Assessment Application to the Planning Department for review against the SMA rules."
- State of Hawaii, Department of Health (Exhibit D)

 The Department of Health identified four (4) areas of concern, which may be impacted by the project:
 - 1. Federal Water Pollution Control Act (commonly known as the 'Clean Water Act');
 - 2. National Pollutant Discharge Elimination System (NPDES);
 - 3. Notification of any Notice of Intent or filing of an application for an NPDES permit shall be provided to the State Historic Preservation Division; and
 - 4. Compliance with the applicable State Water Quality Standards.

BLNR – Department of Transportation, Page 4
Airports Division
Wailoa River State Recreation Area, South Hilo, Hawaii

The County of Hawaii, Departments of Environmental Management and Public Works, State of Hawaii, Departments of Accounting and General Services and Hawaiian Home Lands had no comments on the project.

A copy of the submittal was sent to the Office of Hawaiian Affairs. Their comments of June 2, 2008 (Exhibit E) are as follows:

- 1. "We also echo the Department of Health's concerns for potential impacts to necessary permits or reviews in order to comply with any applicable federal and state water quality standards."; and
- 2. "we seek assurances that the applicant will stop work and contact the State Historic Preservation Division should iwi kūpuna or cultural artifacts be uncovered."

RECOMMENDATIONS:

THAT THE BOARD:

- A. Subject to the Applicant fulfilling all of the Applicant requirements listed above, authorize the issuance of a perpetual easement to the Department of Transportation, Airports Division (DOTA) covering the subject area for one (1) Remote Noise Monitoring Station (RNMS) purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - 1. Approval of the Governor;
 - 2. All improvements shall be done by the DOTA at no cost or expense to the Division of State Parks;
 - 3. The DOTA shall maintain and repair the RNMS that is constructed and/or erected thereon at no cost or expense to the Division of State: Parks
 - 4. The DOTA shall submit construction plans for approval by the Chairperson prior to the commencement of any work activity;
 - 5. The DOTA shall be responsible for their own utility charges (telephone service, electrical service, etc.);

BLNR – Department of Transportation, Page 5
Airports Division
Wailoa River State Recreation Area, South Hilo, Hawaii

- 6. All utility service lines (telephone, electric, etc.) shall be underground utilizing best management practices of the respective utility industry;
- 7. The standard terms and conditions of the most current perpetual easement document form, together with the specific conditions cited herein;
- 8. Such other terms and conditions that may be prescribed by the Chairperson.
- B. Grant the DOTA the authority to file the required Special Management Area (SMA) Use Permit Application for the construction of the one (1) Remote Noise Monitoring Station.

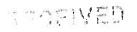
Respectfully Submitted,

Daniel S. Quinn

State Parks Administrator

APPROVED FOR SUBMITTAL:

LAURA H. THIELEN, Chairperson



Deputy Directors MICHAEL D. FORMBY FRANCIS PAUL KEENO

BRENNON T. MORIOKA

ACTING DIRECTOR

119-819

BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

AIR-EP 08.0005

2008 JAN 17 P 2: 33

HILO, HI

STATE OF HAWAII **DEPARTMENT OF TRANSPORTATION** DIV OF STATE PARKS

AIRPORTS DIVISION 400 Rodgers Boulevard, Suite 700

Honolulu, Hawaii 96819-1880

January 9, 2008

TO:

GLENN Y. TAGUCHI, DISTRICT PARKS SUPERINTENDENT

DEPARTMENT OF LAND AND NATURAL RESOURCES

FROM:

m H. Sh BRIAN H. SEKIGŬCHI

DEPUTY DIRECTOR - AIRPORTS

SUBJECT:

NOISE MONITORING SYSTEM HILO INTERNATIONAL AIRPORT STATE PROJECT NO. AH1071-15

We have received your letter dated December 26, 2007, responding to our request to install a Remote Noise Monitoring Station (RNMS) at Wailoa River State Recreation Area (Park) and acknowledge your reservations regarding the aesthetics of the RNMS. We have revised our location plan and request your permission to install the RNMS adjacent to the parking lot rather than in the park. The current proposed location is approximately 250 feet southeast of the Center's building, on the mauka side of the parking lot and set back from the pavement somewhat farther than existing light standards. The new site is adjacent to a pad-mounted transformer and light pole and is shown on the attached photo titled "Wailoa 1". Photos from the site looking towards the Center and facing the site looking towards the State Office Building are also attached as "Wailoa 2" and "Wailoa 3", respectively.

The RNMS consists of a digital microphone on a 20 feet tall, square aluminum tube, folding mast, not substantially different in height or visual impact from the aluminum light poles located throughout the park, along walkways and the parking lot. There will be a small electronics enclosure on the lower portion of the mast with connection to electrical and telephone service to store and transmit data. The mast will be mounted on a three-foot tall cylindrical concrete bollard to mitigate potential vehicle impact damage. This proposed location in the parking lot should not visually detract from the aesthetic appearance of the park.

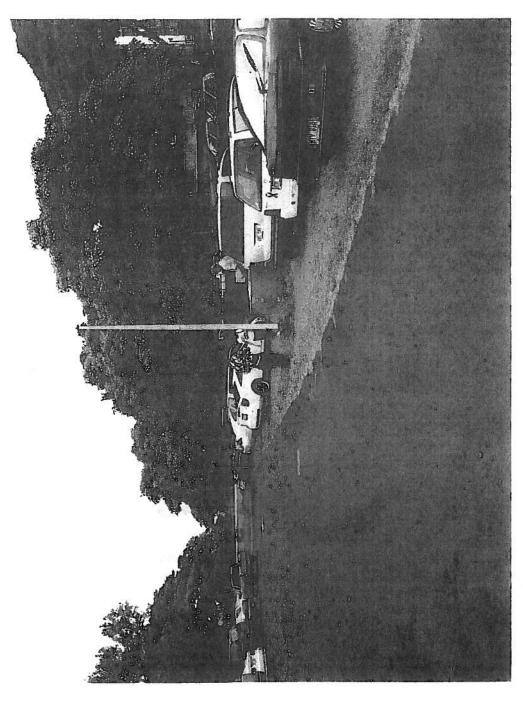
Thank you for your attention in this matter. Your prompt reply will be greatly appreciated since we are in the final stages of the project. Please have your staff contact Ms. Lynette Kawaoka, Planner, at (808) 838-8818, if you need further information.

Attachments: Photos (3)

c: Wailoa Arts and Cultural Center (Ms. Codie King)

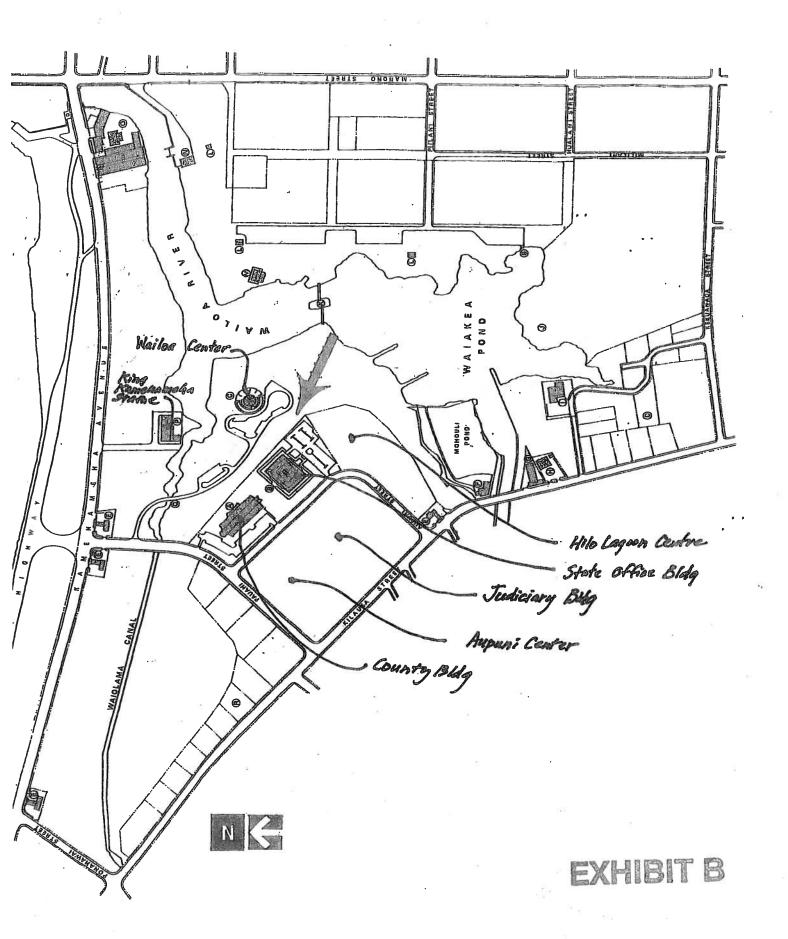
EXHIBIT





HILO INTERNATIONAL AIRPORT NOISE MONITORING SYSTEM HILO INTERNATIONAL AIRPORT, ISLAND OF HAWAII STATE PROJECT NO. AH1071-15

WAILOA 1 – PROPOSED SITE OF REMOTE NOISE MONITORING STATION IN PARKING LOT AREA NEAR TRANSFORMER AND LIGHT POLE



Harry Kim *Ma*yor



Christopher J. Ywen Director

Brad Kurokawa, ASLA

2008 MAR -5 P

04/2040

LEED® AP

Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 · Hilo, Hawaii 96720-4224 OF STATE MARK (808) 961-8288 · FAX (808) 961-8742 HILO, HI

March 3, 2008

Mr. Glenn Y. Taguchi State of Hawaii- DLNR Division of State Parks P.O. Box 936 Hilo, HI 96721-0936

Dear Mr. Taguchi:

SUBJECT:

Special Management Area (SMA) Consultation

PROJECT:

Grant of Perpetual, Non-Exclusive Easement to the HDOT Airports

Division for a Remote Noise Monitoring Station at the Wailoa River

State Recreation Area

Tax Map Key: (3) 2-2-13:03

This is in response to your letter dated February 1, 2008, in which you requested to know whether the subject properties are within the County of Hawaii Special Management Area (SMA), and what permitting requirements, if any, would apply to the proposed project.

In the first paragraph of the memo from HDOT to DLNR, the proposed location for the noise monitoring station is described as being 250 southeast of the Wailoa Center building on the mauka side of the parking lot and setback from the pavement. In addition, the map provided with the transmittal indicates the station will be located just mauka of the Center's parking lot. Based upon this information it appears that the proposed station location will be on a different parcel, TMK 2-2-13:18. Please verify which parcel the proposed monitoring station will be located on. Enclosed for your use is a map showing TMK 2-2-13:18.

Both parcels are located entirely within the SMA, and therefore the applicant is required to submit an SMA Assessment Application to the Planning Department for review against the SMA rules.

Mr. Glenn Y. Taguchi State of Hawaii-, DLNR Division of State Parks Page 2 March 3, 2008

Should you have questions, contact Maija Cottle of my staff at 961-8288 extension 253.

Sincerely,

CHRISTOPHER J. YUEN

Planning Director

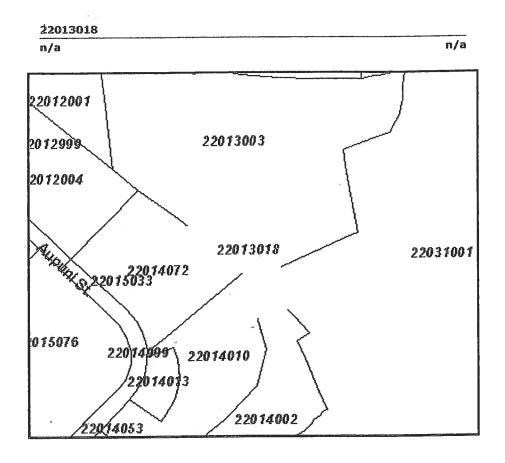
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P:\wpwin60\Maija\DLNR\HDOT Wailoa 2-2-13-3.doc

Enclosure: Map of TMK 2-2-13:18

xc: Long-Range Planning Division

HAWAII COUNTY REAL PROPERTY TAX OFFICE



Printed on Monday, March 03, 2008, at 3:58:32 PM

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HILO, HI



LAURA II. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI FIRST DEPUTY

KEN C. KAWAHARA DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ELAND RESERVATION
LAND
STATE PARKS

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STATE OF HAWAII OF STATE PAR DEPARTMENT OF LAND AND NATURAL RESOURCES

DIVISION OF STATE PARKS POST OFFICE BOX 936 HILO, HAWAII 96721-0936

February 1, 2008

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TO:		gencies: DAGS DHHL DLNR - Historic Preservation DLNR - OCCL DLNR - State Parks Resource M DLNR - State Parks Interpretive DLNR - State Parks Planning DOH	Ingmnt	County 	Agencies: Environmental Management Planning Public Works		
FROM:		Glenn Taguchi Hawaii Parks District Supt.					
SUBJECT:		Grant of Perpetual, Non-Exclusive Easement to the Department of Transporation, Airports Division, for a Remote Noise Monitoring Station Purposes at the Wailoa River State Recreation Area					
LOCATION:		Waiakea, South Hilo, Hawaii, Ta	ах Мар	Key: 3	rd/2-2-13:03		
APPLICANT:	APPLICANT: Department of Transportation, Airports Division						
We would appr	reciate ye	eview and comment is a copy of the our comments on this application. by this date, we will assume you quest, please contact Glenn Y. Tag	. Please r agency	submit has no	and request involving State lands. any comments by March 4, 2008. comments. If you have any 74-6206. Thank you.	If	
Pettaomicino	125			TT / 1	N		
			()		ve no objections. ve no comments.		
					ents are attached.		
			Signed Date:	: New	t dry-		

SP Administration

c:

exhibit d

Newton Insurge - 933-0917





P.O. BOX 916 HILO, HAWAII 96721-0916

MEMORANDUM

DATE:

February 15, 2008

TO:

Glenn Y. Taguchi

DLNR Hawaii Parks District Supt.

FROM:

Newton Inouye

Acting District Environmental Health Program Chief

SUBJECT:

Grant of Perpetual, Non-Exclusive Easement to the Department of Transportation,

Airports Division, for a Remote Noise Monitoring

Station Purposes at the Wailoa River State Recreation Area

LOCATON:

Waiakea, South Hilo, Hawaii, Tax Map Key: 3rd/2-2-13:03

APPLICANT: Department of Transportation, Airports Division

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document on February 15, 2008. The CWB has reviewed the limited information contained in the subject document and offers the following comments:

1. The Army Corps of Engineers should be contacted at (808) 438-9258 for this project. Pursuant to Federal Water Pollution Control Act (commonly known as the "Clean Water Act" (CWA)), Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters...". The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40, Code of Federal Regulations, Section 122.2, and Hawaii Administrative Rules (HAR), Chapter 11-54.

- 2. In accordance with HAR, Sections 11-55-04 and 11-55-34.05, the Director of Health may require the submittal of an individual permit application or a Notice of Intent (NOI) for general permit coverage authorized under the National Pollutant Discharge Elimination System (NPDES).
 - a. An application for an NPDES individual permit is to be submitted at least 180 days before the commencement of the respective activities. The NPDES application forms may also be picked up at our office or downloaded from our website at http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html.
 - b. An NOI to be covered by an NPDES general permit is to be submitted at least 30 days before the commencement of the respective activity. A separate NOI is needed for coverage under each NPDES general permit. The NOI forms may be picked up at our office or downloaded from our website at:

 http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html.
 - i. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi). [HAR, Chapter 11-55, Appendix B]
 - ii. Construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the commencement of the construction activities. [HAR, Chapter 11-55, Appendix C]
 - iii. Discharges of treated effluent from leaking underground storage tank remedial activities. [HAR, Chapter 11-55, Appendix D]
 - iv. Discharges of once through cooling water less than one (1) million gallons per day. [HAR, Chapter 11-55, Appendix E]
 - v. Discharges of hydrotesting water. [HAR, Chapter 11-55, Appendix F]
 - vi. Discharges of construction dewatering effluent. [HAR, Chapter 11-55, Appendix G]

- vii. Discharges of treated effluent from petroleum bulk stations and terminals. [HAR, Chapter 11-55, Appendix H]
- viii. Discharges of treated effluent from well drilling activities. [HAR, Chapter 11-55, Appendix I]
- ix. Discharges of treated effluent from recycled water distribution systems. [HAR, Chapter 11-55, Appendix J]
- x. Discharges of storm water from a small municipal separate storm sewer system. [HAR, Chapter 11-55, Appendix K]
- xi. Discharges of circulation water from decorative ponds or tanks. [HAR, Chapter 11-55, Appendix L]
- 2. In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.
- 3. Any discharges related to project construction or operation activities, with or without a Section 401 WQC or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

Hawaii Revised Statutes, Subsection 342D-50(a) requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director."

If you have any questions, please contact Mr. Alec Wong, Supervisor of the Engineering Section, CWB, at (808) 586-4309.

WORD:DLNR-DOT Airports Noise Monitoring Station.my

FAX (808) 594-1865

PHONE (808) 594-1888/ E []

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DIV OF STATE PARKS



STATE OF HAWAI'I OFFICE OF HAWAIIAN AFFAIRS

711 KAPI'OLANI BOULEVARD, SUITE 500 HONOLULU, HAWAI'I 96813

HRD08/3701

June 2, 2008

Glenn Taguchi
Department of Land and Natural Resources
Division of State Parks
PO Box 936
Hilo, Hawai'i 96721-0936

RE: Request for comments on the proposed grant of perpetual easement to the Department of Transportation Airports Division for a remote noise monitoring station, Wailoa River Recreation Area, Hilo, TMK: 12-2-13:003.

Aloha e Glenn Taguchi,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated May 20, 2008. OHA has reviewed the project and offers the following comments.

OHA appreciates that the applicant has taken aesthetic concerns into consideration as indicated in the submittal in exhibit A. We also echo the Department of Health's concerns for potential impacts to water quality that may result from this proposed project and we rely on the applicant to obtain any necessary permits or reviews in order to comply with any applicable federal and state water quality standards.

Additionally, we seek assurances that the applicant will stop work and contact the State Historic Preservation Division should iwi kūpuna or cultural artifacts be uncovered.

Thank you for the opportunity to comment. If you have further questions, please contact Grant Arnold (808) 594-0263 or e-mail him at granta@oha.org.

'O wau iho nō me ka 'oia'i'o,

Cidew Do

Clyde W. Nāmu'o Administrator

C:

OHA Hilo CRC Office

EXHIBIT C



